

REMARKS

By this Amendment the title of the invention has been changed to be more descriptive of the invention, the specification has been amended to improve its presentation, claim 24 has been amended to include the feature of claim 30 (now canceled), claims 26-29 and 31-33 have been corrected, claim 36 has been amended in corresponding fashion to claim 24, and claims 37, 38, 43 and 46 have been corrected. Entry is requested.

In the outstanding Office Action the examiner (1) rejected claims 24 and 27-29 under 35 U.S.C. 102(b) as being anticipated by Pellenc (FR 2639176), (2) rejected claims 25, 26 and 36-54 under 35 U.S.C. 103(a) as being unpatentable over Pellenc in view of Zehavi et al., (3) rejected claims 30-35 under 35 U.S.C. 103(a) as being unpatentable over Pellenc, and (4) rejected claims 55 and 56 under 35 U.S.C. 103(a) as being unpatentable over Pellenc in view of Zehavi et al. and Podolsky et al. (WO 2004/006646).

The inventors assert that these rejections cannot be applied to the amended claims.

Pellenc discloses a shaking method for orchard harvesting wherein the amplitude and frequency can be varied. However, there is no disclosure of sweeping the frequency from an initial sweep frequency to a final sweep frequency as defined in amended claims 24 and 36. The

present invention thus operates with more frequencies than Pellenc, such that more resonance in the tree is exploited.

Zehavi et al. disclose a tree trunk shaker for harvesting tree fruit; however, as disclosed in paragraph 0053 the apparatus is operated at a predetermined frequency. There is no disclosure of varying the frequency in a sweep.

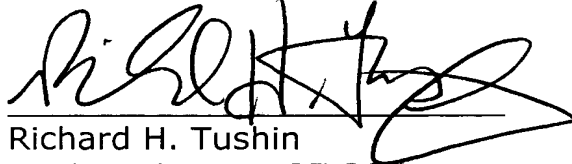
Thus, neither Pellenc alone nor Pellenc with Zehavi et al. suggest the claimed invention. And nothing in Podolsky et al. would suggest the claimed sweep of frequencies.

Favorable reevaluation is requested.

Respectfully submitted,

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